

REMARKS

The last Office Action has been carefully considered.

It is noted that Claims 1, 4, 8, 9, 12, 15-17, 19-22, 24-26 and 27 were rejected under 35 USC 102(b) over the U.S. patent to Doumani et al.

The claims have been also rejected for formal reasons under 35 USC 112.

After carefully considering the Examiner's grounds for rejection of the claims, applicant amended Claim 1, the broadest claim on file so as to more clearly define the present invention and to distinguish it from the prior art.

The features added to Claim 1 are disclosed on page 9, line 16-18 and in original Claim 8.

The dependent claims have been also amended in compliance with the Examiner's requirements. Also, new Claims 28 and 29 have been added.

The feature of Claim 26 is disclosed on page 7, lines 11-14. The feature of Claim 28 is disclosed on page 9, line 23 – page 10, line 14 of the

specification. The feature of Claim 29 is disclosed on page 10, lines 24-26 of the specification.

Turning to the references and in particular to the patent to Doumani et al applied by the Examiner, it is respectfully submitted that this reference discloses a machine tool which has a covering (20) and an accordion hose (68) for carrying away dust through a dust collecting port (48) .

The patent to Doumani et al does not disclose the feature of a rotary slide and a guide tube which is integrated in the rotary slide, wherein the rotary slide rotates with the guide tube, so that in one position of the rotary slide, the guide tube carries machining residues inside the covering, while in another position of the rotary slide, the guide tube carries the machining residue outside of the covering.

The claims were rejected over the U.S. patent to Doumani et al as being anticipated. In connection with this, it is believed to be advisable to cite the decision In Re Lindenmann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir 1984) in which it was stated:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.”

Definitely, the device disclosed in the patent to Doumani et al does not have each and every element of the machine tool in accordance with the present invention as defined in the amended Claim 1.

Therefore, the anticipation rejection applied against the original claims should be considered as not tenable with respect to the amended Claim 1 and should be withdrawn.

As for the dependent claims, these claims depend on Claim 1, they share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application with all the claims currently on file, is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should

the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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